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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,644	12/05/2003	Paul Marinier	I-2-0430.1US	1132

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EXAMINER

LY, NGH I H

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,644

Applicant(s)

MARINIER, PAUL

Examiner

Nghi H. Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-13 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06/01/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I (claims 1-13) in the reply filed on 01/10/05 is acknowledged. This is not found persuasive because Group I (claims 1-13) recites "crediting users whose WTRUs provide the requested positioning information" and Group II (claims 14-16) recites "a memory for storing the number of instances where positioning information is provided to the system". Therefore, Group I and Group II are distinct from each other and they are shown to be separately usable.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 14 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Santhoff et al (US 6,519,464).

Regarding claim 14, Santhoff teaches a wireless transmit/receive unit (WTRU) comprising: a receiver configured to receive requests for positioning information regarding a selected target-WTRU from a wireless network (see column 3, lines 39-58)

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and to receive signals from the selected target-WTRU in response to received requests (see column 1, line 43 to column 2, line 30 and column 4, lines 34-55), a processor configured to perform position measurements regarding the target-WTRU based on signals received for purposes of performing the position measurements (see column 1, line 43 to column 2, line 30), a transmitter configured to transmit results of position measurements to the wireless network (see column 1, line 43 to column 2, line 30), and a memory for storing the number of instances where positioning information is provided to the system (see column 2, lines 30-35).

Regarding claim 16, Santhoff further teaches a display for displaying the number of instances where positioning information is provided to the system (see column 11, lines 29-40, column 14, lines 13-24 and column 14, lines 64-67).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Santhoff et al (US 6,519,464) in view of Robert (US 6,169,497).

Regarding claim 15, Santhoff teaches claim 14. Santhoff does not specifically disclose a switch for enabling and disabling the ability of said WTRU to respond to positioning requests received from the system.

Robert teaches a switch for enabling and disabling the ability of said WTRU to respond to positioning requests received from the system (see column 2, lines 4-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Robert into the system of Santhoff so that the user can select the transmission of an activation or initial signal from a portable control unit to the target to initiate broadcast of the communication signal (see Robert, column 2, lines 18-21).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Kotzin (US 2004/0209622 A1) teaches method and apparatus for enabling and rewarding wireless resource sharing.

b. Aoyama (US 2002/0055362 A1) teaches position method using mobile terminal and mobile terminal having position function.

c. McCrady (US 2002/0118723 A1) teaches method and apparatus for determining the position of a mobile communication device using low accuracy clocks.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571) 272-7911. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly

NH Ly
09/10/05

Charles Appiah
CHARLES APPIAH
PRIMARY EXAMINER